

1

2

3

4

5

6

7

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

8

9

DOUGLAS BURNS, No. C 08-2995 RS

10

11

Plaintiff,

**VERDICT FORM**

12

13

14

15

JAIME MATEO, DAVID GOUGH, CITY  
OF REDWOOD CITY,

16

17

Defendants.

18

19

We the jury in the above-entitled action, find the following special verdict on the questions  
submitted to us:

20

21

1. Do you find by a preponderance of the evidence that a defendant used, or caused the use of,  
excessive force against the plaintiff in violation of the Constitution of the United States?

22

23

Answer "yes" or "no" as to each defendant.

24

25

Answer: JAIME MATEO  
DAVID GOUGH

Yes

No

26

27

28

1      *Please proceed to question 2.*

2  
3      2.      Do you find by a preponderance of the evidence that a defendant interfered or attempted to  
4      interfere by threats, intimidation, or coercion with the exercise or enjoyment by plaintiff of rights  
5      secured by the Constitution or laws of the United States, or by the Constitution or laws of  
6      California, in violation of California Civil Code section 52.1?

7  
8      **Answer "yes" or "no" as to each defendant.**

|   | Yes   | No    |
|---|-------|-------|
| 9 <b>Answer:</b> JAIME MATEO & REDWOOD CITY | X     | _____ |
| 10      DAVID GOUGH & REDWOOD CITY          | _____ | X     |

11      *Please proceed to question 3.*

12  
13      3.      Do you find by a preponderance of the evidence that a defendant was negligent?

14  
15      **Answer "yes" or "no" as to each defendant.**

|  | Yes | No    |
|--|-----|-------|
| 16 <b>Answer:</b> JAIME MATEO & REDWOOD CITY | X   | _____ |
| 17      DAVID GOUGH & REDWOOD CITY           | X   | _____ |

18      *Please proceed to question 4.*

19  
20      4.      Do you find by a preponderance of the evidence that a defendant intentionally inflicted  
21      emotional distress on plaintiff?

22      **Answer "yes" or "no" as to each defendant.**

23  
24      No. C 08-2995 RS  
25      VERDICT FORM

|   |   |                    |
|---|---|--------------------|
| 1 | Yes   | No                 |
| 2 | <b>Answer: JAIME MATEO &amp; REDWOOD CITY</b> | <u>  </u> <u>X</u> |
| 3 | <b>DAVID GOUGH &amp; REDWOOD CITY</b>         | <u>  </u> <u>X</u> |
| 4 |   |                    |

5 *If you answered "Yes" to any portion of Questions 1 through 4 above, then please proceed to*  
6 *Question 5. If you answered "No" to all portions of Questions 1 through 4 above, please sign and*  
7 *date this verdict form without answering the remaining questions.*

8  
9 5. What do you find the total amount of damages, if any, suffered by the plaintiff caused by a  
10 defendant's conduct?

11  
12 \$ 217,784

13  
14 *Please Proceed to Question 6.*

15  
16 6. If you answered "Yes" to any portion of Question 3 above, do you find by a preponderance  
17 of the evidence that plaintiff was negligent?

18 **Answer "yes" or "no."**

|    |                |                    |
|----|----------------|--------------------|
| 19 | Yes            | No                 |
| 20 | <b>Answer:</b> | <u>X</u> <u>  </u> |
| 21 |                |                    |

22  
23 *If you answered "Yes" to Question 6, please proceed to Question 7. If you answered "No" to*  
24 *Question 6, please proceed to Question 8.*

1      7. If you answered "Yes" to Question 6, what percentage of responsibility for plaintiff's injury  
2 do you attribute to each defendant and to plaintiff? The total combined percentage must equal  
3 100%.

4  
5      Defendant Mateo      35 %

6  
7      Defendant Gough      35 %

8  
9      Plaintiff Burns      30 %

10  
11     *Please proceed to question 8.*

12  
13     8. If you answered "Yes" as to defendant Mateo in Question 1 above, do you find by a  
14 preponderance of the evidence that defendant Mateo's conduct was malicious, oppressive, or in  
15 reckless disregard of plaintiff's rights?

16  
17     **Answer "yes" or "no."**

18                              Yes

19                              No

20  
21     **Answer:** \_\_\_\_\_

22     *If you answered "Yes" to Question 8, please proceed to Question 9. If you answered "No," to  
23 Question 8, please proceed to Question 10.*

24  
25     9. If you answered "Yes" to Question 8, what amount, if any, do you award as punitive  
26 damages against Defendant Mateo?

1 \$ \_\_\_\_\_

3 | *Please proceed to question 10.*

5 10. If you answered "Yes" as to defendant Gough in Question 1 above, do you find by a  
6 preponderance of the evidence that defendant Gough's conduct was malicious, oppressive, or in  
7 reckless disregard of plaintiff's rights?

9 | Answer "yes" or "no."

10 Yes No  
11 **Answer:** \_\_\_\_\_

14 *If you answered "Yes" to Question 10, please proceed to Question 11. If you answered "No," to*  
15 *Question 10, please sign and date this verdict form.*

17 11. If you answered "Yes" to question 10, what amount, if any, do you award as punitive  
18 damages against Defendant Gough?

20 | \$

22 | Please sign and date this verdict form

26 Dated: 6/16/11

  
Samuel J. Biegler  
Foreperson

**Foreperson**

**NO. C 08-2995 RS**  
**VERDICT FORM**